

### REMARKS

In response to the non-final Office Action of August 9, 2007, applicants ask that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1, 3, 5-8, 14, 16, 18-21, and 29-54 are pending, of which claims 1, 14, 29, 31, 46, 49, and 53 are independent.

#### **Interview Summary**

Applicants thank Examiners Salomon and Hong for the personal interview conducted with applicants' representative, Andrew Foy, on November 28, 2007. During the interview, applicants' representative and Examiners Salomon and Hong discussed the application and perceived differences between the pending claims and the applied references. In addition, applicants' representative and Examiners Salomon and Hong discussed potential claim amendments to amplify the perceived distinctions between the pending claims and the applied references.

For example, applicants' representative and Examiners Salomon and Hong discussed amending independent claim 14 to recite displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first indication that reflects that an email message has been exchanged between the user and the first co-user, and amending independent claim 31 to recite displaying, within the window that includes the contacts list and in association with an identifier for one of the other users in the contacts list, an icon that indicates that a meeting has been scheduled that involves both the user and the other user and that enables determination by the user that the meeting involves the other user. Examiners Salomon and Hong indicated that they did not believe that the references of record, when taken alone or in combination, described these features, but Examiners Salomon and Hong also indicated that further consideration and search would be necessary if applicants amended independent claims 14 and 31 to recite these features as proposed.

### **Claim Objections**

The Office Action objects to claims 20 and 21 for depending from cancelled claim 17. Applicants have amended claims 20 and 21 to depend from pending claims 18 and 19, respectively. Accordingly, applicants request reconsideration and withdrawal of the objection to claims 20 and 21.

### **Claim Rejections Under 35 U.S.C. § 112**

Claims 35 and 36 have been rejected under 35 U.S.C. § 112 as being indefinite because claims 35 and 36 are method claims that depend from independent claim 29, which is a graphical user interface claim. Applicants have amended claims 35 and 36 to depend from independent claim 31, which is a method claim. Accordingly, applicants request reconsideration and withdrawal of the rejection of claims 35 and 36.

### **Claim Rejections Under 35 U.S.C. § 101**

Claims 1, 3, 5-8, 29, 30, 33, and 34 have been rejected under 35 U.S.C. § 101 for allegedly reciting descriptive, non-functional subject matter. Applicants have amended claims 1, 3, 5-8, 29, 30, 33, and 34 to recite a computer-readable medium having embodied thereon a computer program that includes instructions that, when executed, cause a computer to perform various acts. Applicants submit that, as amended, claims 1, 3, 5-8, 29, 30, 33, and 34 recite statutory subject matter. Accordingly, applicants request reconsideration and withdrawal of the rejection of claims 1, 3, 5-8, 29, 30, 33, and 34.

### **Claim Rejections Under 35 U.S.C. § 103**

#### **Claims 1, 3, 14, and 16**

Claims 1, 3, 14, and 16 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2003/0046296 (Doss) in view of U.S. Patent Application Publication No. 2002/0130904 (Becker). Applicants have amended independent

claims 1 and 14 and request reconsideration and withdrawal of the rejection of claims 1, 3, 14, and 16 because Doss and Becker, when taken alone or in combination, do not recite all of the features recited in amended independent claims 1 and 14, as described more fully below.

As amended, independent claim 14 recites a method that includes, among other features, displaying to a user of an instant messaging service a graphical user interface that includes a window having a contacts list that lists identifiers corresponding to multiple co-users of the instant messaging service, that makes online presence information for the co-users perceivable to the user, and that enables the user to initiate communication sessions with the co-users. In addition, the method includes determining that an email message has been exchanged between the user and a first one of the co-users, and, in response, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first indication that reflects that an email message has been exchanged between the user and the first co-user. The method also includes determining that a meeting has been scheduled that involves the user and a second one of the co-users, and, in response, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the second co-user, a second indication that reflects that a meeting has been scheduled that involves the user and the second co-user.

The Office Action acknowledges that Doss fails to teach indicating that an email message has been exchanged between a user and another user. See non-final Office Action of August 9, 2007 at page 4, lines 22-23. Therefore, it is indisputable that Doss also fails to describe or suggest displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first indication that reflects that an email message has been exchanged between the user and the first co-user, as recited in independent claim 14. Importantly, Becker, like Doss, also fails to describe or suggest displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first indication that reflects that an email message has been exchanged between the user and the first co-user, as recited in independent claim 14.

Becker describes a graphical user interface for managing multiple instant messaging sessions. FIG. 1 of Becker (reproduced below) is representative of Becker's graphical user interface for managing multiple instant messaging sessions:

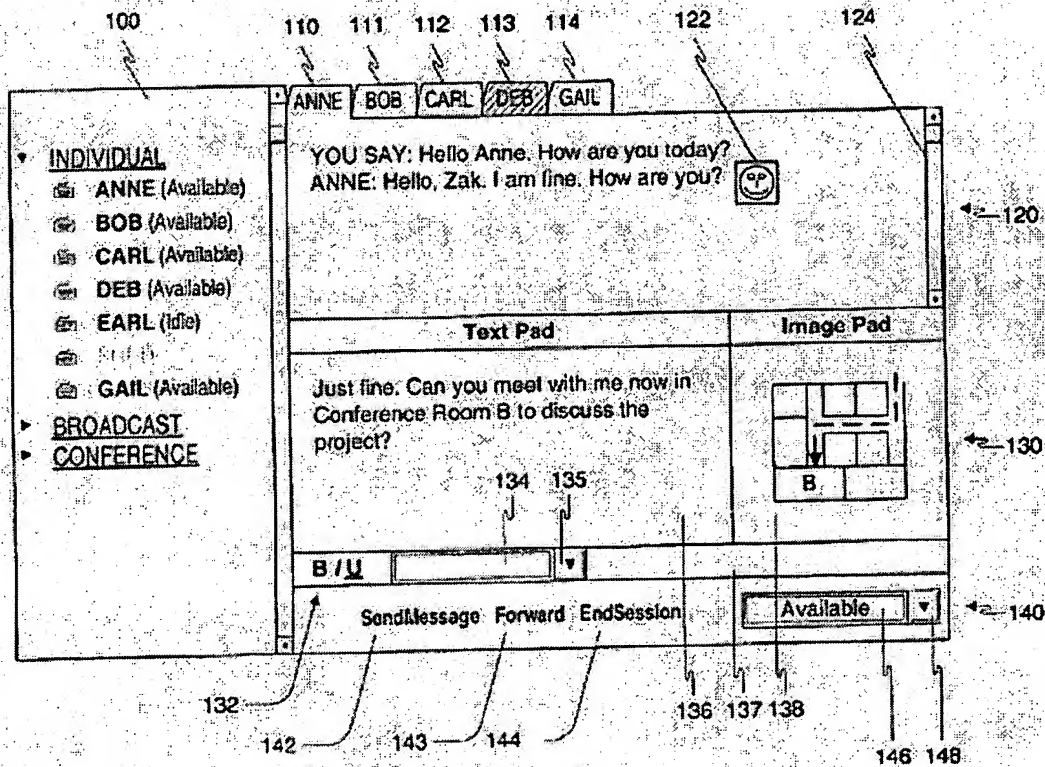


FIG. 1

*Reproduction of Becker's FIG. 1.*

As illustrated in Becker's FIG. 1, Becker's graphical user interface for managing multiple instant messaging sessions includes, among other features, a "pals" window 100 and five session tabs 110, 111, 112, 113, and 114. See, e.g., Becker at paragraphs [0038]-[0042]. The "pals" window includes a list of "pals" with whom the user may exchange instant messages. See, e.g., Becker at paragraphs [0038]-[0042]. Each individual session tab, meanwhile, corresponds to an individual messaging session in which the user is participating, and the user can navigate

between different messaging sessions by selecting different session tabs. See, e.g., Becker at paragraphs [0038]-[0042]. As described by Becker, the session tabs may be coded to reflect the current state of the messaging sessions to which they correspond:

a session may be engaged, non-engaged with no unread messages, non-engaged with at least one unread message, and non-engaged with at least one unread message having just been received. . . . In **FIG. 1**, the session tab 113 is cross-hatched to depict a flashing appearance indicating the recent receipt of an instant message by the user's client application from Deb.

Becker at paragraph [0041].

Becker also describes that, in some implementations, Becker's graphical user interface for managing multiple instant messaging sessions may notify the user when the user receives an email from another user (e.g., a "pal"). For example, as described by Becker, when a user of Becker's graphical user interface for managing multiple instant messaging sessions receives an email from a "pal," a new tab indicating that the user has a "non-engaged session with at least one unread messaging having just been received," may be displayed among the session tabs presented to the user in Becker's graphical user interface for managing multiple instant messaging sessions. See, e.g., Becker at paragraphs [0087]-[0088].

Importantly, while Becker's graphical user interface may, in some implementations, notify a user when the user receives an email from a pal, Becker's graphical user interface achieves such notification by displaying a new tab among the user's session tabs. Notably, Becker does not describe or suggest displaying a visual cue or other attribute in association with a "pal's" name in the "pals" window when the user receives an email from a pal. Consequently, Becker, like Doss, fails to describe or suggest displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first indication that reflects that an email message has been exchanged between the user and the first co-user, as recited in independent claim 14.

Furthermore, as discussed and agreed during the personal interview conducted on November 28, 2007, the references of record, when taken individually or in combination, do not describe or suggest determining that a meeting has been scheduled that involves the user and a



second one of the co-users, and, in response, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the second co-user, a second indication that reflects that a meeting has been scheduled that involves the user and the second co-user, as recited in independent claim 14.

Accordingly, for at least the foregoing reasons, applicants request reconsideration and withdrawal of the rejection of independent claim 14 and dependent claim 16, which depends from independent claim 14.

As amended, independent claim 1 recites features that are similar to the features discussed above in connection with independent claim 14 and does so in the context of a computer-readable medium. Accordingly, for at least the reasons discussed above in connection with independent claim 14, applicants request reconsideration and withdrawal of the rejection of independent claim 1 and dependent claim 3, which depends from independent claim 1.

#### Claims 5-8 and 18-21

Dependent claims 5-8, which depend from independent claim 1, and dependent claims 18-21, which depend from independent claim 14, have been rejected under 35 U.S.C. § 103(a) as being obvious over Doss in view of Becker further in view of U.S. Patent Application Publication No. 2005/0117733 (Widger). However, Widger does not cure the deficiencies in Doss and Becker noted above in connection with independent claims 1 and 14, nor does the Office Action contend that Widger does so. Accordingly, at least because of their dependencies and for the reasons discussed above in connection with independent claims 1 and 14, applicants request reconsideration and withdrawal of the rejection of dependent claims 5-8, which depend from independent claim 1, and dependent claims 18-21, which depend from independent claim 14.

#### Claims 29-36

Claims 29-36 have been rejected under 35 U.S.C. § 103(a) as being obvious over Doss in view of U.S. Patent No. 6,950,502 (Jenkins). Applicants have amended independent claims 29

and 31 and request reconsideration and withdrawal of the rejection of claims 29-36 because Doss and Jenkins, when taken alone or in combination, fail to describe or suggest all of the features recited in amended independent claims 29 and 31.

As amended, independent claim 31 recites a method that includes, among other features, displaying to a user of the instant messaging service a graphical user interface having a window that includes a contacts list that lists identifiers for one or more other users of the instant messaging service, that makes online presence information for the other users perceivable to the user, and that enables the user to initiate communication sessions with the other users. In addition, the method also includes displaying, within the window that includes the contacts list and in association with an identifier for one of the other users in the contacts list, an icon that indicates that a meeting has been scheduled that involves both the user and the other user and that enables determination by the user that the meeting involves the other user.

As discussed during the personal interview conducted on November 28, 2007, Doss and Jenkins, when taken alone or in combination, fail to describe or suggest displaying, within the window that includes the contacts list and in association with an identifier for one of the other users in the contacts list, an icon that indicates that a meeting has been scheduled that involves both the user and the other user and that enables determination by the user that the meeting involves the other user, as recited in independent claim 31. Accordingly, for at least this reason, applicants request reconsideration and withdrawal of the rejection of independent claim 31 and its dependent claims, claims 32, 35, and 36.

As amended, independent claim 29 recites features that are similar to the features discussed above in connection with independent claim 31 and does so in the context of a computer-readable medium. Accordingly, for at least the reasons discussed above in connection with independent claim 31, applicants request reconsideration and withdrawal of the rejection of independent claim 29 and its dependent claims, claims 30, 33, and 34.

## **New Claims**

### **Claim 37**

New claim 37 depends from independent claim 1. Accordingly, applicants submit that new claim 37 is allowable at least because of its dependency and for the reasons discussed above in connection with independent claim 1.

### **Claims 38-43**

Each of new claims 38-43 depends from independent claim 14. Accordingly, applicants submit that new claims 38-43 are allowable at least because of their dependencies and for the reasons discussed above in connection with independent claim 14.

### **Claim 44**

New claim 44 depends from independent claim 29. Accordingly, applicants submit that new claim 44 is allowable at least because of its dependency and for the reasons discussed above in connection with independent claim 29.

### **Claim 45**

New claim 45 depends from independent claim 31. Accordingly, applicants submit that new claim 45 is allowable at least because of its dependency and for the reasons discussed above in connection with independent claim 31.

### **Claims 46-48**

New independent claim 46 recites a method that includes, among other features, displaying, to a user, an instant messaging graphical user interface having a window that includes a contacts list that lists identifiers for multiple co-users of the instant messaging service, that makes online presence information for the co-users perceivable to the user, and that enables the user to initiate communication sessions with the co-users. In addition, the method also includes



determining that a communication that is neither an instant message nor a voicemail has been exchanged between the user and a particular one of the co-users having an identifier listed in the contacts list, and, in response, displaying, within the window that includes the contacts list and in association with the identifier for the particular co-user in the contacts list, a first indication that reflects that a message that is neither an instant message nor a voicemail has been exchanged between the user and the co-user.

Applicants submit that the references of record, when taken individually or in combination, do not describe or suggest displaying, within the window that includes the contacts list and in association with the identifier for the particular co-user in the contacts list, a first indication that reflects that a message that is neither an instant message nor a voicemail has been exchanged between the user and the co-user, as recited in new independent claim 46. Accordingly, for at least this reason, applicants submit that new independent claim 46 and its dependent claims, claims 47 and 48, are allowable over the references of record.

#### Claims 49-52

New independent claim 49 recites a method that includes, among other features, displaying, to a user, a graphical user interface having a window that includes a contacts list listing identifiers corresponding to multiple co-users, determining that a first communication has been exchanged between the user and a first one of the co-users using a first communication modality, and, in response, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first indication that reflects that a communication has been exchanged between the user and the first co-user using the first communication modality. In addition, the method includes determining that a second communication has been exchanged between the user and a second one of the co-users using a second communication modality that is different than the first communication modality, and, in response, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the second co-user, a second indication that reflects that a communication has been exchanged between the user and the second co-user using the second

communication modality. The method also includes determining that a third communication has been exchanged between the user and a third one of the co-users using a third communication modality that is different than both the first and the second communication modalities, and, in response, displaying, within the window that includes the contacts list and in association with the identifier corresponding to the third co-user, a third indication that reflects that a communication has been exchanged between the user and the third co-user using the third communication modality.

Applicants submit that the references of record, when taken individually or in combination, do not describe or suggest displaying, within the window that includes the contacts list and in association with the identifier corresponding to the first co-user, a first indication that reflects that a communication has been exchanged between the user and the first co-user using the first communication modality, a second indication that reflects that a communication has been exchanged between the user and the second co-user using the second communication modality, and a third indication that reflects that a communication has been exchanged between the user and the third co-user using the third communication modality, as recited in new independent claim 49. Accordingly, for at least this reason, applicants submit that new independent claim 49 and its dependent claims, claims 50-52, are allowable over the references of record.

#### Claims 53 and 54

New independent claim 53 recites a method that includes, among other features, displaying, to a user of an instant messaging service, a graphical user interface having a window that includes a contacts list that lists instant messaging screen names for co-users of the instant messaging service, that makes online presence information for the co-users perceivable to the user, and that enables the user to initiate communication sessions with the co-users. In addition, the method also includes displaying, within the window that includes the contacts list and in association with the screen name for at least one co-user, an indication that reflects that the user

has sent an email to or received an email from an email address determined to correspond to the screen name of the at least one co-user.

Applicants submit that the references of record, when taken alone or in combination, fail to describe or suggest displaying, within the window that includes the contacts list and in association with the screen name for at least one co-user, an indication that reflects that the user has sent an email to or received an email from an email address determined to correspond to the screen name of the at least one co-user. Accordingly, for at least this reason, applicants submit that new independent claim 53 and its dependent claim, claim 54, are allowable over the references of record.

#### **Conclusion**

Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


The fee in the amount of \$1350 in payment of the Petition for One-month Extension of Time (\$120) and the Excess Claim Fee (\$1,230) is being paid concurrently herewith by way of the Electronic Filing System (EFS). Please apply any other charges or credits to Deposit Account No. 06-1050.

Applicant : Mitchell C. Green et al.  
Serial No. : 10/715,205  
Filed : November 18, 2003  
Page : 29 of 29

Attorney's Docket No.: 06975-452001

Respectfully submitted,

Date: December 10, 2007

  
Andrew T. Foy  
Reg. No. 57,333

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

40457908.doc